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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/220,970	12/23/1998	RANDELL L. MILLS	9213-4	5381

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MANELLI DENISON & SELTER  
2000 M STREET NW SUITE 700  
WASHINGTON, DC 20036-3307

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 04/19/2002

24

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance  
With 37 CFR 1.192(c)**

Application No.

09/220,970

Applicant(s)

MILLS, RANDELL L.

Examiner

Wenpeng Chen

Art Unit

2624

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 27 February 2002 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192 (c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENTIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☒ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
  - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
  - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c) (7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

See the attachment please.



Wenpeng Chen  
Primary Examiner  
Art Unit: 2624

4/17/02

**NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR 1.192(c)**

1. With regard to item 1 above, the brief contains an item describing the invention under a heading "Concise Explanation of the Invention" which is different from the heading "Summary of Invention" requested by MPEP. The section is not under the appropriate heading required by 37 CFR 1.192(c).

2. With regard to item 2 above, the brief contains an incorrect statement of the status of all the claims as required by 37 CFR 1.192(c)(3).

In the page 2 of the Brief, the Appellant states "the rejection of claims 51-322 is appealed." Actually in the last non-final rejection (paper #16,) the Examiner indicates the status of the pending claims as follows.

-- Claims 1-50 have been cancelled.

-- Claims 67, 68, 96, 97, 177-180, 206, 207, 232 and 277 are objected.

-- Claims 51-66, 69-95, 98-176, 181-205, 208-231, 233-276 and 278-322 are rejected.

37 CFR 1.191(c) states:

"An appeal when taken must be taken from the rejection of all claims under rejection which the applicant or patent owner proposes to contest. Questions relating to matters not affecting the merits of the invention may be required to be settled before an appeal can be considered."

As clearly indicated above, only rejections to claims may be appealed. Please correct the statement under the heading "Status of Claims" to indicate (1) the correct status of each claim and (2) the claim under appeal.

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The objections to claims may be petitioned to commissioner of Patents and Trademarks under 37 CFR 1.181.

3. With regard to item 9 above, the brief under the section "Issues" shall not contain issues I and II. As discussed above with regard to 37 CFR 1.191(c), objections to drawings and specification may not be appealed to the Board of Patent Appeals and Interferences. The objections may also be petitioned to commissioner of Patents and Trademarks under 37 CFR 1.181. Correction is required.

4. Examiner's remarks

-- The amendment filed on 2/27/2002 has been entered.

-- Appellant can either (a) file a new version of the Supplemental Appeal Brief with corrections or (2) supply three copies of new parts with corrections and a letter indicating how the parts can be integrated seamlessly into the original Supplemental Appeal Brief (paper #23.) The seamless integration is important because the amended Supplemental Appeal Brief will be presented to Board of Patent Appeals and Interferences.